

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES MURRAY,

Plaintiff,

v.

Civil Action No.
9:05-CV-01579
(FJS/DEP)

GLENN S. GOORD, ROY A GIRDICH,
THEODORE ZERNIAK, TIMOTHY RAMSDELL,
JEREMY McGRAW, and BRUCE FORGOE,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

JAMES MURRAY, *pro se*
95-A-4417
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953

FOR DEFENDANTS:

HON. ANDREW M. CUOMO
Attorney General of
the State of New York
The Capitol
Albany, New York 12224

CHARLES J. QUACKENBUSH, ESQ.
Assistant Attorney General

FREDERICK J. SCULLIN, JR., S.J.:

ORDER

Currently before the Court is the Report and Recommendation of Magistrate Judge David

E. Peebles filed July 8, 2009 to which the parties have not filed any objections. On July 20, 2009, Senior Judge Frederick J. Scullin extended the plaintiff's deadline to submit objections to Magistrate Judge Peebles' Report and Recommendation to on or before October 13, 2009. Thereafter, plaintiff has filed no objections to said Report and Recommendation. Accordingly, the Court having reviewed the Report and Recommendation and the entire file in this matter, the Court hereby

ORDERS that the Report and Recommendation of Magistrate Judge David E. Peebles filed July 8, 2009 is **ADOPTED IN ITS ENTIRETY** for the reasons stated therein; and the Court further

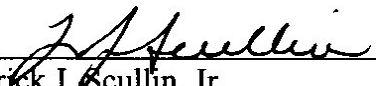
ORDERS that defendants' motion for summary judgment is **GRANTED**, and the Court further

ORDERS that plaintiff's complaint is **DISMISSED** in its entirety, and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of defendants and close this case.

IT IS SO ORDERED.

DATED: October 19, 2009
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge